

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, March 11, 2015**

**Members Present:** James Desmarais  
Vincent Gambardella  
Steve Horowitz  
Thomas Kiernan/Portion of Meeting  
Chelsea Siefert  
Laura Pisaturo  
Philip Slocum

**Member Absent:**  
Cynthia Gerlach  
Sue Stenhouse  
Thomas Kiernan/Portion of Meeting

**Also in attendance:** Patricia Reynolds, Economic Development Planner  
Lidia Cruz-Abreu, Planning Specialist  
Eric Hindinger, Engineer Project Manager  
Diana Pearson, Solicitor

Chairman Slocum called the meeting to order at 6:00 pm.

**Public Informational Meeting  
Major Land Development  
West Shore Road Condominiums  
Master Plan**

Location:	West Shore Road
Assessor's Plat:	352
Assessor's Lots.	61
Applicant:	Sturbridge Home Builders
Zoned:	A-10 (Residential)
Proposed Zone:	A-10 (Planned District Residential-PDR)
Area:	5.3 Acres
Ward:	5
Engineer:	DiPrete Engineering

Mr. Sanford Resnick, Resnick and Caffrey, represented the project. Mr. Resnick indicated that the Applicant was in negotiations to expand the project and was requesting that the Public portion of the project be opened and continued for one month.

Being no further questions, Mr. Gambardella, seconded by Ms. Pisaturo, made a motion to open the Public Hearing, all in favor; none opposed.

Mr. Gambardella, seconded by Mr. Horowitz, made a motion to continue the hearing of the project for the April 2015 hearing date, all in favor; none opposed.

Mr. Slocum and Mr. Horowitz announced that they would be recusing themselves from the following application and removed themselves from the meeting room.

**Public Hearing**  
**Major Land Development/Subdivision**  
**Brentwood Assisted Living**  
**Preliminary**

Applicant/Property Owner:	3844 Post Road, LLC, 1635 Division Road LLC, Richard Miga, Jr.
Location:	4014, 4022 and 4036 Post Road
Assessor's Plat:	235
Assessor's Lots:	11, 12, 13, 271
Zoning District:	O, Office
Land Area:	60,347 square feet
Number of existing lots:	4
Number of proposed lots:	1
Surveyor:	Scituate Surveys, Inc.
Ward:	9

**Background**

Mr. John Revens, Revens, Revens, & St. Pierre represented the Applicant who was requesting Preliminary Approval of a Major Land Development Project/ Subdivision to construct a 74 bed, four-story assisted living facility. The proposed development is sited on four Assessor's lots, with a combined area of 60,347 square feet. The three buildings located on the site have been demolished to create space for the proposed development. The site is located on Post Road and was formerly used for residential and office use.

The proposed development consists of the construction of an assisted living facility with 74 single bed units and 50 employees. Accommodations, social activities, personal care services, assistance and meals will be provided for the residents and the facility will be staffed 24 hours per day, 7 days per week. Site improvements will include new parking and landscape areas. There will be exterior living spaces, including a balcony, patio and garden, located to the rear of the building facing Greenwich Bay. Access to the site will be provided from two curb cuts on

Post Road, with emergency vehicles entering from one curb cut and exiting from the second curb cut.

Mr. Revens indicated that the project has received a RI Department of Transportation-Physical Alteration Permit. He stated that there would be an exterior balcony garden and windows that would face Greenwich Bay and that the project had received a Special Use permit from the Zoning Board of Review along with Master Plan Approval and height variances. Additionally, Mr. Revens submitted an affidavit of notice mailed to abutters.

Further, he indicated the Applicant agreed with the Planning Departments Findings and Recommendations and requested that there be an additional stipulation. The abutters located at the Sea Watch Condominium Complex requested that trash collection shall be between the hours of 6 am and 8 pm.

Mr. Gambardella asked if there was sufficient access for fire and rescue; Mr. Revens responded affirmatively indicating the access would be on the North side and had sufficient radius.

Ms. Siefert asked what the maximum number of daily employees is, she was concerned about parking. Mr. Revens indicated that parking was in conformance with the parking requirements.

Mr. Joseph Casali, Professional Engineer, Casali Engineers; gave an overview of the project indicating that project met required 37 spaces, and that the project proposed 41 spaces eight being handicap accessible spaces. He further indicated that the dumpsters would be placed separately from the residential neighbors, that a hydrant had been added to address fire concerns and that the project would have municipal sewers and natural gas. Drainage would be directed to a culvert, and there would be bio-retention gardens. He finished by indicating that the project had received approval from RIDEM and Kent County Water.

Mr. Paul Hatman, Architect, Union Studios; indicated that the building had been moved further north to accommodate concerns from the neighbors. He indicated that due to the grade the building would appear to be a 3-story building from Post Road, but from the rear the building would actually be 4-stories. The latest design showed a pitch roof and not a flat roof, and that the project had received Zoning Board of Review relief to accommodate the height and that the overall exterior construction of the building will be brick and siding.

Ms. Diane Soule, Landscape Architect; indicated that the project would include a low stone wall with sidewalks and columns that would include perennial beds, meeting all the requirements of the City's Landscape Ordinance. The project would be designed to incorporate trees primarily in the front of the building with low growing items to the rear. Additionally, at the request of the City's Landscape Project Coordinator, the design would additional evergreen buffers along the side property lines.

Mr. Kiernan asked about lighting; Mr. Revens indicated that the lighting would be "Dark Sky".

Mr. Paul Bannon, Traffic Engineer, indicated that driveways would have safe and adequate site distance. Additionally, he indicated that the Project was a low intensity residential, use only 5-

percent of the residents would have vehicles and that the majority of the traffic, 11 trips, would be generated by the staff; negligible traffic would be added to the roadway.

Being no further presentations, the Board heard the Planning Department recommendations, which were as follows:

### **Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

1. Generally consistent with the Comprehensive Community Plan, which finds that land development in the future will increasingly involve redevelopment of previously used sites; and supports a diversity of housing options.
2. That, at the March 12, 2014 meeting of the Warwick Planning Board, the project failed to receive Master Plan approval. The Applicant appealed the Planning Board’s decision to the Zoning Board of Appeals at the April 8, 2014 meeting, pursuant to Section 8.11 of the Warwick Development Review Regulations and RIGL 45-23-70. Based on the review of the record, arguments of counsel, and the findings of fact, the Zoning Board of Appeals granted Appeal No. 10114.
3. That as per Warwick Development Review Regulations, Section 8.11.7, Remand to Planning Board, *In the instance where the Board of Appeal overturns a decision of the Planning Board..., the proposed application shall be remanded to the Planning Board...at the state of processing from which the appeal was taken, for further proceedings before the Planning Board...which shall be consistent with the Board of Appeal’s decision.*
4. That the parcel is identified as Assessor’s Plat: 235 Assessor’s Lots: 11, 12, 13, and 271, and is zoned Office. The proposal meets the dimensional requirements of an office zone, including the parking requirement for convalescent or nursing home use of (1) one space per (2) two beds, with the exception of the proposed building being higher than allowed.
5. That, in compliance with the standards and provisions of the City’s Zoning Ordinance having received Zoning Board of Review approval, Petition #10124, for a special use permit allowing Use Code 705. *Extended care, convalescent, rest, or nursing home*, with dimensional relief for a building with greater than allowed height.
6. That the subject property fronts on Post Road (US Route 1), with the Amtrak Rail corridor to the east, Brentwood Nursing Home to the north and multi-family residential units to the south.
7. That the properties north and south of the subject parcel, and fronting on Post Road are a combination of commercial buildings, offices, and larger scale multifamily and single family dwellings.

8. That the Applicant has demolished the three buildings on the parcel.
9. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
10. That the proposed development possesses adequate access to a public street, and has received approval from RIDOT, Physical Alteration Permit No. 141126.
11. That there will be no significant negative environmental impacts from the proposed development, and the Applicant has received RI DEM permits UIC No. 801639 and RIPDES No. RR101219.
12. That the proposed development has access to public water provided by Kent County Water and Sewer, with an existing sewer service for the proposed project.
13. That the Applicant modified the site plan to limit the impact of the building on the abutting residential complex (AP235,AL9) to the south of the proposed development, by moving the proposed building to the north and west on the site.
14. That the project has a landscape plan approved by the City's Landscape Project Coordinator, prepared and stamped by Rhode Island registered Landscape Architect, Diane Soule, dated March 2, 2015, with revisions dated March 4, 2015.
15. That the Applicant has submitted a traffic report, prepared by RAB Professional Engineers, Inc., and dated January 23, 2015, which concludes:

*“Based upon the planning level analysis and study completed for this project, it can be concluded that the future traffic conditions resulting from construction of the Brentwood Assisted Living Facility residential development will provide for adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area.”*

### **Planning Department Recommendations**

Planning Department recommendation is to grant Preliminary approval, with Final Approval to be through the Administrative Officer to the Board, upon compliance with the following stipulations:

1. That the Applicant shall merge Assessor's Plat 235 Assessor's Lots 11, 12, 13 and 271, and record a subdivision, as per the City of Warwick's Development Review Regulations.
2. That all plans shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994.

3. That the Final plan shall include the location of the rescue/ambulance pickup, and dimensions from the proposed building to the side property lines.
4. That all Rhode Island highway bounds and permanent survey markers shall be protected during and up to the completion of the project. If disturbed, the bounds shall be reset at the Applicant's expense. This shall be noted on the site plan.
5. That the design for the stormwater collection system shall be in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development. The Project Engineer shall inspect the installation of the Stormwater Management System and shall submit a certification that the construction substantially conforms to the approved plans. In addition the Project Engineer shall prepare an as-built plan of the System, highlighting any significant deviations from the approved plan. Changes from the approved design shall require prior authorization from the Approving Authority.
6. That the Property Owner and Lessee shall provide the City with the as-built plan and the Operations and Maintenance Plan for the Stormwater Management system.
7. That an adequate number of fire hydrants shall be installed, spaced 300 feet apart, and provide a minimum of 1000gpm. Buildings with sprinkler systems require a hydrant within 100 feet of the fire department connection.
8. That all two-way travel lanes shall have a minimum of 24 feet of unobstructed width and an unobstructed vertical clearance of 13'6", and all corners shall be negotiable by vehicles having an outer tire turning radius of 50' to allow for unimpeded access by fire apparatus.
9. That the Project Engineer shall submit a complete set of plans to the Warwick Sewer Authority for review and approval. These plans shall comply with all WSA construction standards and Industrial Pretreatment Regulations.
10. That all exterior lighting and signage shall be designed to minimize negative impacts on neighboring properties. Glare from outdoor lights and signs and from the movement of vehicles on site shall be shielded from the view of adjacent residential properties.
11. That all trash removal shall be restricted to the hours between 6 am and 8 pm.

Being no further testimony, Ms. Pisaturo, seconded by Mr. Kiernan, made a motion to open the public meeting, all in favor, none opposed.

Being no testimony, Ms. Pisaturo, seconded by Mr. Kiernan, made a motion to close the public meeting, all in favor; none opposed.

Ms. Pisaturo, seconded by Mr. Desmarais, made a motion to adopt the Planning Department Findings and Recommendations, as presented, and to grant Preliminary Approval. All in favor; none opposed.

Mr. Slocum and Mr. Horowitz rejoined the Board members to hear the remaining applications. Mr. Kiernan excused himself, indicating the he would not be available for the remainder of the meeting.

**Public Hearing**  
**Major Land Development/Subdivision**  
**Cumberland Farms - Apponaug**  
**Preliminary**

Applicant:	Cumberland Farms, Inc.
Property Owner:	Gray Enterprises, Inc. (Lot 99) Gulf Oil (Lot 97)
Location:	3327 and 3335 Post Road
Assessor's Plat:	244
Assessor's Lots:	97 and 99
Zoning District:	General Business, with a Historic Overlay zone
Land Area:	39,643 sf
Number of existing lots:	2
Number of proposed lots:	1
Engineer:	Garofalo and Associates, Inc.
Ward:	7

**Background**

Mr. Robert Stoltzman, ESQ. represented the Applicant who was requesting Preliminary Approval of a Major Land Development Project/ Subdivision for the construction of a one-story, 4,513 square foot convenience store, canopy, and fueling pumps. The Applicant plans to demolish the existing one-story brick building, canopy and gas pumps on Lot 97, as well as the existing building on Lot 99. Following demolition, a new 4,513sf convenience store and a new canopy, measuring 40'x 83', over five new gasoline dispensers (10 fueling positions) will be constructed.

Mr. Stoltzman indicated that the project was a reconfiguration and redesign of a property on Post Road and Route 117, which was zoned General Business with a historic overlay that had received Master Plan Approval in June 2014. Additionally, he indicated that the project had received approval from the Zoning Board of Review, RIDEM, RIDOT, and Kent County Water; and he was in full agreement with the Planning Department findings and conditions. He indicated that the engineers had worked with RIDOT to provide pedestrian access to enhance the Village Zone.

Mr. Greg Avenia, Garofolo & Associates; indicated that during the RIDOT review the Applicant changed the plans to indicate the existing conditions and the RIDOT will tie driveways into the new Apponaug Circulator project. Additionally, he indicated that the project meets all of the 2010 stormwater regulations.

Mr. Gambardella asked if the spots around the pumps were considered parking spots; Mr. Avenia responded to the affirmative.

Being no further presentations, the Board heard the Planning Department recommendations, which were as follows:

### **Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations and

1. Generally consistent with the Comprehensive Community Plan, which finds that land development in the future will increasingly involve redevelopment of previously used sites and calls for the City to work to create and support village centers, and preserve and enhance the City’s open space, recreation and water resources. Over 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important.”
2. That the subject property is a corner lot and is located in the southwest corner of the intersection known as Apponaug Four Corners, and is identified as Assessor’s Plat: 244 Assessor’s Lots: 97 and 99 and is zoned General Business with a Historic Overlay.
3. That the proposal has been designed in order to meet the requirements of the City’s Historic District Commission. In accordance with preservation authority review, the building is sited within the front yard setback to maintain a defined street edge, and an outdoor seating area is incorporated to provide activity and street life to the Village area.
4. That the project was reviewed by the Warwick Historic District Commission and approved at the March 19, 2014 meeting.
5. That the Applicant received Master Plan approval for the project from the Warwick Planning Board on June 11, 2014.
6. That the parcel is in compliance with the standards and provisions of the City’s Zoning Ordinance, having received approval from the Zoning Board of Review, Petition #10158, recorded on September 22, 2014, for a Special Use permit for *Use Code 421*, and relief for less than required front and side yard setback, less than required parking, and moveable signage (LED signage shall be utilized for gas/fuel price information only. LED advertising message boards are prohibited.)
7. That this parcel is located within historic Apponaug Village, and is in close proximity to the village center which was rezoned in 2011 to Village zoning, in order to revitalize economic development.



8. That a traffic report, prepared by McMahon Associates, and dated February 2014, concluded that *“With the predominately pass-by nature of the proposed Cumberland Farms convenience store and gasoline station, the project will not result in a significant impact on the overall traffic operations of the study area roadways....due to the nature of the convenience market with gas station sites, patrons will seek out the most efficient routes for entering and exiting a site. Based on the analysis results presented in this report, the proposed development of Cumberland Farms is expected to have a minimal impact on the operations of the study area roadways.”*
9. That the Applicant has received a RIDEM Underground Storage Tank (UST) Permit, with a DEM Wetlands Permit pending due to the current snow cover condition.
10. That the properties north and south of the subject parcel, and fronting on Post Road are general business uses. This parcel does not abut any residentially zoned properties.
11. That the development has a final, approved landscape plan, dated 1/22/15, and signed and stamped by Diane Soule Associates.
12. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
13. That the Project Engineer has contacted Rhode Island Department of Transportation and has coordinated the site design with the design of the Apponaug Circulator project, which is currently under construction.
14. That the proposed development possesses adequate access to a public street; the Applicant has received RI DOT Physical Alteration Permit No. 140804, with a stipulation that a bond be posted for work within the State right-of-way.
15. That the proposed development has access to public water serviced by Kent County Water Authority; and access to sewer provided by the Warwick Sewer Authority.
16. That there will be no significant negative environmental impacts from the proposed development.

### **Planning Department Recommendation**

Planning Department recommendation is to grant Preliminary approval, with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

- 1 That the Final Plan shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994

- 2 That as part of the Final recording, the Applicant shall merge Assessor's Plat 244, Assessor's Lots 97 and 99, and record a subdivision as per The City of Warwick's Development Review Regulations.
- 3 That all two way travel lanes shall have a minimum of 24 feet of unobstructed width and an unobstructed vertical clearance of 13'6", and that all corners shall be negotiable by vehicles having an outer tire turning radius of 50' to allow for unimpeded emergency vehicle access.
- 4 That the Final Plan shall address and incorporate the following items:
  - a. The limit of disturbance and soil erosion measures may need to be moved south to allow for the construction of the proposed wall. Permission from the abutting Property Owner (DOT) will be required.
  - b. The Project Engineer shall inspect the installation of the Stormwater Management System and shall submit a certification that the construction substantially conforms to the approved plans. In addition the Project Engineer shall prepare an as-built plan of the System, highlighting any significant deviations from the approved plan. Changes from the approved design shall require prior authorization from the Approving Authority.
  - c. The Project Engineer shall inspect the installation of the retaining walls and submit a certification that the construction substantially conforms to the approved plans. In addition, the Project Engineer shall prepare an as built plan of the walls highlighting any significant deviations from the approved plan. Changes from the approved design shall require prior authorization from the Approving Authority.
  - d. The Property Owner and Lessee shall be provided with the as-built plan and the Operations and Maintenance Plan for the Stormwater Management system.
  - e. Proposed work shall continue to be coordinated with the DOT Apponaug Circulator Project. At a minimum, all proposed utility laterals and curb cuts required for access ingress and egress must be installed prior to the final pavement of the DOT project.
  - f. All RI Highway Bounds and permanent survey markers shall be protected throughout the duration and to the completion of this project. (Please note this on the site plans).
- 5 That prior to Final Approval, the Applicant shall receive RIDEM Wetlands approval.
- 6 That prior to the issuance of a building permit, the Applicant shall receive approval from the Kent County Water Authority. The Project Engineer shall coordinate with the Warwick Division of Water regarding an existing major transmission line located in Centerville Road.
- 7 That the Project Engineer shall coordinate with the Warwick Sewer Authority to install the proposed sewer tie in as depicted on the Site Utility Plan, submit projected flows to the Warwick Sewer Authority, and comply with all industrial pretreatment requirements. This project shall be subject to Warwick Sewer Authority Inspection Fees

Being no further testimony, Mr. Gambardella, seconded by Mr. Desmarais, made a motion to open the public hearing; all in favor; none opposed.

Being no testimony, Mr. Gambardella, seconded by Ms. Siefert, made a motion to close the public hearing; all in favor; none opposed.

Mr. Desmarais, seconded by Ms. Pisaturo, made a motion to adopt the Planning Department Findings and Recommendations, as presented, and to grant Preliminary Approval. All in favor; none opposed.

**Public Meeting**  
**Minor Subdivision**  
**Zarella-Doris Avenue Plat**  
**Preliminary**

Location:	54 Doris Avenue & Dixie Avenue
Applicant:	Zarella Associates
Assessor's Plat:	319
Assessor's Lot(s):	234, 235, 236, 238, 261, 262, 264, & 556
Zoning District:	A-7 Residential
Land Area:	32,000 square feet
Surveyor:	Alpha Associates, LTD.
Ward:	4

Mr. Harry Miller, PLS, Alpha Associates, represented the Applicant who was requesting Preliminary Approval of a Minor Subdivision. The Applicant proposed to subdivide (8) eight existing lots totaling 32,000 square feet, to create (4) four new lots; (2) two new conforming lots fronting on Doris Avenue for the development of new single-family dwellings and (2) two new conforming lots fronting on Dixie Avenue for the development of new single-family dwellings.

Mr. Miller indicated that the property is currently a mixed use with residential and commercial. He indicated that the applicant wanted to reconfigure lots and build raised ranch style dwellings similar to abutting properties. He further indicated that the dwellings would be connected to Municipal water and sewer. The units would not include full basements due to the high water table and that the City has an existing drain on-site for which the Applicant would be providing an easement.

Mr. Miller requested that the stipulation regarding NAVD 88 be waived; Mr. Hindinger, City Engineering, agreed with the waiving of the stipulation.

Being no further presentations, the Board heard the Planning Department recommendations, which were as follows:

### **Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article 1, “*Purposes and General Statements*” of the City’s Development Review Regulations, and:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, and consistent with the existing neighborhood, having lots within the 200’ radius containing single-family dwellings that meet and exceed the A-7 Residential zoning requirements.
2. That the subject property is located at 54 Doris Avenue and Dixie Avenue and is identified as Assessor’s Plat: 319, Assessor’s Lot: 234, 235, 236, 238, 261, 262, 264, & 556.
3. That the subject property consists of (8) eight Tax Assessor’s lots totaling 32,000 square feet zoned A-7 Residential.
4. That the Applicant proposes to create (4) four new lots; (2) two new conforming lots fronting on Doris Avenue for the development of new single-family dwellings; and (2) two new conforming lots fronting on Dixie Avenue for the development of new single-family dwellings.
5. That the A-7 Residential Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City’s Zoning Ordinance.
7. That the Applicant submitted plans for review and comment by City Departments, and, based on the aforementioned comments, has submitted revised plans for Planning Board approval.
8. That proposed Parcel 4 contains an existing 12” City storm drain which runs through the lot.
9. That the property will have access to Municipal Sewer and Water.
10. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
11. That there will be no significant negative environmental impacts from the proposed development.
12. That the proposed development possesses adequate access to a public street.

### **Planning Department Recommendation**

The Planning Department's recommendation is to grant Preliminary Approval, with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

1. That all plans submitted shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994.
2. That, prior to Final Approval, the Applicant shall coordinate with the Sewer Authority regarding connection.
3. That, prior to Final Approval, the Applicant shall coordinate with the Water Division regarding connection.
4. That the Applicant shall deed to the City of Warwick a 20' drain easement on Parcel 4.
5. That the Applicant shall preserve and protect existing mature trees whenever possible, by installing drip line tree protection.
6. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall plant (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Doris Avenue and Dixie Avenue. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
7. That the Applicant shall coordinate with the City's Landscape Project Coordinator regarding species and location, prior to tree purchase.
8. That, to the maximum extent practicable, the Applicant shall utilize LID site planning and design strategies, to reduce the stormwater run-off.
9. That the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation, prior to the recording of the "Final Record Plat".

Ms. Pisaturo, seconded by Mr. Desmarais, made a motion to adopt the Planning Department Findings and Recommendations, as presented, and to grant Preliminary Approval. All in favor; none opposed.

**Public Informational Meeting**  
**Major Subdivision**  
**Madison Estates-West Shore Road**  
**Master Plan**

Location: 3238, 3246, & 3266 West Shore Road  
Applicant: West Shore Development, LLC  
Assessor's Plat: 364  
Assessor's Lot(s): 198, 200, 201, & 202  
Zoning District: A-7 Residential  
Land Area: 5.1 acres  
Surveyor: Joe Casali Engineering, Inc.  
Ward: 7

**Project Scope**

Mr. K. Joseph Shekarchi, ESQ, represented the Applicant who was requesting Master Plan Approval of a Major Subdivision. The Applicant proposed a new street with less than required standard sidewalks and to subdivide (4) four lots totaling 5.1 acres to allow for the development of (15) fifteen new lots and a new street; (2) two new conforming lots with existing single-family dwellings; and (13) thirteen new conforming lots for the development of single-family dwellings.

Mr. Shekarchi indicated that the property was the former Asperinio property and that Mr. Steve Miller held a neighborhood meeting on June 8, 2015. Additionally, he indicated that the property had been reviewed by Coastal Resources Management Council.

Mr. Joe Casali, Professional Engineer, Casali Engineering, presented that the property was in the vicinity of Buttonwoods Avenue, that the site consisted of four lots with freshwater wetlands in the vicinity of the coast, that two existing structures would remain on-site and that the two others would be razed; with a new 400 foot roadway with partial sidewalks, 180 feet on both sides of the street. The lots will be serviced by Municipal Sewer and Water, and natural gas and a new hydrant is being proposed, to allow for a total of 15 lots.

Mr. Shekarchi indicated the Applicant would be providing an easement to the City to address a long-term preexisting drainage issue with Dunbar Court.

Mr. Hindinger indicated that the Applicant had assisted the City with access to a drain line and would be allowing a permanent easement.

Mr. Shekarchi asked to wave the stipulation for 3146 West Shore Road, indicating that the property contained a horseshoe driveway that would remain.

Being no further presentation, Mr. Gambardella, seconded by Mr. Horowitz, made a motion to open the public hearing. All in favor; none opposed.

Mr. Raymond Finelly, 3212 West Shore Road asked to have the proposed dwelling that would abut his property moved forward. Mr. Shekarchi indicated that the Applicant agreed to move the house forward and that the Preliminary Plan would reflect this change.

Being no further testimony, Mr. Gambardella, seconded by Ms. Pisaturo, made a motion to close the public hearing. All in favor; none opposed.

Being no further presentations, the Board heard the Planning Department recommendations, which were as follows:

### **Planning Department Findings**

1. That the proposed development is generally consistent with the Comprehensive Community Plan, and consistent with the existing neighborhood, having lots within the 200' radius containing single family dwellings that meet and exceed the A-7 Residential zoning requirements.
2. That the subject property is located along West Shore Road; and is identified as Assessor's Plat: 364; Assessor's Lot: 198, 200, 201, & 202.
3. That the Applicant is proposing a new street with less than required standard sidewalks and to subdivide (4) four lots totaling 5.1 acres to allow for the development of (15) fifteen new lots; (2) two new conforming lots with existing single-family dwellings; and (13) thirteen new conforming lots for the development of single-family dwellings.
4. That the Applicant has assisted the City in correcting a long-standing drainage problem on Dunbar Court by allowing the City to increase an existing drainage pipe along the southerly property line. Additionally, as part of the subdivision, the Applicant will be providing the City an easement for the existing drain for future maintenance and repairs.
5. That (10) ten of the proposed single family dwellings will be accessed via a new 400 foot +/- roadway, with sidewalks on both sides of the road for approximately 170 feet.
6. That the subject property consists of (4) four Tax Assessor's Lots totaling 5.1 acres and is zoned Residential A-7.
7. That the A-7 Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
8. That the Applicant is proposing two-story, single-family dwellings with full basements.
9. That the property consists of (4) existing single-family dwellings; (2) dwellings will be razed and the remaining (2) two single family dwellings will remain.

10. That the Project Engineer performed field inspections of a portion of the project area finding a forested wetland contiguous to Brush Neck Cove and a stream channel less than 10 feet wide.
11. That the Project Consultant performed soil testing in June 2014, which found the site to be generally consistent of well-drained sandy soils, having seasonal high groundwater tables between 20 and 40 inches below grade.
12. That the Applicant coordinated with RI Historical Preservation & Heritage Commission, which determined that the area may be archeologically sensitive.
13. That based on the Planning Department's request, the Applicant held a community outreach meeting at City Hall on January 8, 2015, to present the plan, as well as to gain feedback from the community.
14. That the Applicant and the Project's Engineer held a pre-submission meeting with Planning Staff and City Departments to review the proposed development and that the Applicant has made revisions to the original plan based on departmental comments.
15. That West Shore Road is serviced by a 12-inch water main.
16. That the property will have access to Municipal Sewer and Water.
17. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
18. That the proposed development possesses adequate access to a public street.

### **Planning Department Recommendation**

The Planning Department recommendation is to grant Master Plan Approval with the following stipulations:

- 1 That all plans submitted shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective April 1, 1994.
- 2 That prior to Preliminary approval a Stormwater Management Plan, including but not limited to, a Drainage Plan and Calculations, shall be designed in accordance with Rhode Island Stormwater Design and Installation Standards Manual, dated December 2010, to demonstrate a zero-net runoff from the development. Per the RI Low Impact Development Site Planning Design Guidance Manual, the Design Engineer shall incorporate Low Impact Design (LID) as a first choice, if practicable. This plan shall be subject to approval by the City Engineering Division. Prior to submission to RIDEM, the City's Engineering Division shall review and approve the proposed drainage system design.



- 3 That, as per Land Development Review Regulations, specifically, D.2.1 H, Rights of Way and Travel Width, the Preliminary plan shall show a 26' roadway travel width up to the transition from the roadway to the cul-de-sac.
- 4 That, prior to Preliminary Approval, the Applicant shall afford RIHPHC the opportunity to determine if there is compelling evidence of archeological artifacts present on-site.
- 5 That the Preliminary Plan shall detail the drainage easement.
- 6 That the Applicant shall provide a split rail fencing along the drainage easement.
- 7 That the Applicant shall provide concrete curbing along both sides of the roadway.
- 8 That the Applicant shall amend the Coastal Resources Management Council (CRMC) Application, File No. W2014-02-018 to include Assessor's Lot 202.
- 9 That the Preliminary Plan shall note topography on Assessor's Lot 202.
- 10 That the Preliminary Plan shall note buildings on abutting properties.
- 11 That, prior to Preliminary Approval, the Applicant shall coordinate with the Fire Marshal regarding hydrant location(s).
- 12 That the Applicant, due to life safety and 911 concerns, shall coordinate with the Fire Marshall regarding the naming of the proposed new roadway.
- 13 That the Applicant shall close the curb-cut at 3266 West Shore Road and provide access to the existing house from the proposed new roadway.
- 14 That the Applicant shall provide a paved 3-point turn area, for each of the new single family dwellings proposed along West Shore Road, to prevent vehicles backing onto West Shore Road.
- 15 That, prior to Preliminary Approval, the Applicant shall coordinate with the City Water Division regarding connection to Municipal Water.
- 16 That, prior to Preliminary Approval, the Applicant shall coordinate with the City Sewer Authority regarding connection to Municipal Sewers.
- 17 That, prior to Preliminary Approval, the Applicant's Licensed Landscape Architect shall coordinate with the Planning Department, prior to the development of a landscape plan. That the Landscape Plan shall include, but not be limited to:
  - All existing large mature trees to be preserved. (Including drip line tree protection details) especially in the rear yards abutting the wetland
  - Preservation of trees in close proximity to abutting lots

- Cul-de-sac and Street Tree planting details
- Limit of Disturbance shall be clearly noted

- 18 That the Applicant shall plant (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along West Shore Road and Kylie Court. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
- 19 That the Applicant shall coordinate with the City's Landscape Project Coordinator regarding species and location, prior to tree purchase.
- 20 That prior to Preliminary Approval, the Applicant shall receive all required State and local permits, including, but not limited to, CRMC and RIDOT.
- 21 That all utilities shall be installed underground.

Mr. Desmarais, seconded by Ms. Pisaturo, made a motion to adopt the Planning Department Findings and Recommendations, as presented, and to grant Master Plan Approval. All in favor; none opposed.

Mr. Slocum took this opportunity to thank Mr. Mulhearn for his 24-years of service to the Planning Board.

The February 2015 meeting minutes were presented for review and approval. A motion was made by Ms. Pisaturo to approve the February meeting minutes, as presented, seconded by Mr. Horowitz. All voted in favor, none opposed; with Mr. Desmarais abstaining.

On a motion by Ms. Pisaturo, seconded by Mr. Horowitz, the meeting was adjourned at 8:00 pm. All in favor none opposed.